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Reply to Office Action of November 3, 2004

### **REMARKS**

Old claim 7 has been canceled and drafted as new claim 24. New claim 24 is allowable as indicated by the Patent Examiner. Additionally, claim 8 in this application has been amended to depend from claim 24.

The present invention relates to a scaffold having a plurality of vertical supports 11 arranged in a spaced apart relationship relative to each other. The scaffold has a plurality of tiers including a plurality of first horizontal carriers 12 and a plurality of second horizontal carriers 13. A plurality of scaffold decks 14 each have two long sides and two short sides with a holding means being provided at the two short sides.

The decks 14, furthermore, have at least one guide stop 15 projecting from one of the long sides of the deck and close to but spaced from at least one of the short sides. This guide stop extends only along a portion of the deck and is adapted to be slidably placed on a second horizontal carrier 13 in such a manner that the deck 14 held by an operator at the short side 17 remote from the guide stop 15 can slidably displace the deck by sliding the guide stop 15 along the second horizontal carrier. Additionally, once the deck is positioned by the operator at one end, the deck can then be tilted or pivoted about the guide stop until the holding means engage the first horizontal carrier 14 whereupon the interaction between the holding means and the first horizontal carrier 12 forms a support for the deck.

Claim 23, the only remaining independent claim in this application, has been resubmitted at this time for reconsideration and allowance by the Patent Examiner. Claim 23, however, has been carefully previously drafted to clearly and specifically define the function not only of the guide stop which is slid along one of the first horizontal carriers in order to position the deck in the scaffold frame, but also to specifically define the holding means at the short ends of the deck

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and the manner in which these holding means engage the second horizontal carriers in order to attach the deck to the frame.

The Patent Examiner, however, has rejected previously submitted claim 23 as unpatentable over the German '566 patent to Miller in view of Waters et al. and in further view of Erckhoff (sic Eickhoff). However, Applicant respectfully submits that this basis for rejection is in error and should be withdrawn.

More specifically, the German patent to Miller admittedly discloses a shelving arrangement in which the shelves 10 are mounted onto various carriers. In the Miller reference, the shelves 10 are supported wholly by the elongated horizontal carriers 41. This, of course, is entirely contrary to the present invention, as it is clearly defined in claim 23, which clearly sets forth that the decking is supported solely by the holding means 14 at the short end of the deck. Indeed, in the Miller patent, there is absolutely no attachment at all between the shelving 10 and the short ends of the shelving 10 with the horizontal carriers 47.

Additionally, claim 23 clearly defines over the Miller patent since claim 23 clearly defines that the guide stops 15 are not only spaced from the short ends of the decking, but also that these guide means extend along only a portion of the elongated sides of the deck. This, of course, is entirely contrary to the teachings of the Miller patent since the side channels of the Miller patent engage the elongated horizontal carriers 14 of Miller entirely between the short ends of the shelving 10. Indeed, in sharp contrast to the present invention, in Miller it is the side channels along the long sides of the shelving or deck which form the support with the frame. This is in sharp contrast to claim 23 which clearly defines that the holding means at the short ends of the deck form the support means for the deck.

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The Patent Examiner, however, has further combined the Miller patent with the Waters patent which discloses the provisions of hooks 12a and 12b at the short ends of the Waters decking 10. As it is understood, it is the Examiner's position that it would be obvious to provide hooks 12a and 12b of Waters at the short ends of the Miller shelving 10. Applicant, however, respectfully submits that there is absolutely no motivation in the Miller patent, other than hindsight provided by the instant disclosure, to modify the Miller patent in the manner suggested by the Patent Examiner.

More specifically, in the Miller patent, the shelving 10 is fully supported by the elongated horizontal carriers 14 along the long sides of the shelving or deck. As such, there is absolutely no reason, whatsoever, to add the hooks 12a and 12b of Waters et al. to the Miller patent. Indeed, to do so would be clearly redundant to the teachings of the Miller disclosure and simply constitutes a piecemeal reconstruction of Applicant's invention from the prior art.

The Patent Examiner further relies upon the Eickhoff patent in his rejection of claim 23, which simply does not cure the deficiencies of the Patent Examiner's combination of Miller and Waters et al. More specifically, in the Examiner's most recent Office Action, the Patent Examiner indicates that Eickhoff discloses hooklike guide stops 71. However, the hooks 71 of Eickhoff are provided at the *short* end of the Eickhoff decking 57, rather than along the long side as in Applicant's invention as clearly defined in claim 23. This, of course, is absolutely critical to Applicant's invention.

More specifically, in Applicant's invention the guide stops are provided adjacent but spaced from one end of the short side along the long side of the decking. This in turn allows an operator at the opposite end of the decking to slide the guide stop along the horizontal rail into position, and then to tilt the decking into position so that the short ends of the decking are

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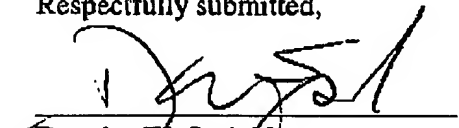
supported by the rails. In the Eickhoff patent, this simply cannot be achieved since the Eickhoff hooks 71 are provided at the short end. As such, there is absolutely no reason to slide the Eickhoff "guide stops" 71 along the rails; to do so would form no purpose whatsoever.

In short, none of the prior art references of record disclose, teach or even vaguely suggest Applicant's invention of providing a guide stop along one of the long sides and hooks at the short ends of the decking to enable an operator to slide the decking into position using the guide stop and then tilt the decking into its operative position whereupon the decking is supported wholly by the hooks at the short ends of the decking. This aspect of Applicant's invention, furthermore, is clearly defined in claim 23 in this application.

In view of the foregoing, Applicant respectfully submits that this application is in condition for formal allowance and such action is respectfully solicited.

Lastly, in order to avoid government extension fees, a notice of appeal has been filed concurrently with this amendment.

Respectfully submitted,



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